

MINUTES

P & Z COMMISSION HEARING June 17, 2004

ATTENDANCE P & Z Commissioners

ATTENDED

1. John Dalton, Chairman
2. Ruth Ann Smith
3. Micah Lomaomvaya
4. Wendell DeCross
5. Roy Solomon
6. Drew Shumway
7. Gary Nelson

ABSENT

Tommy Joe
Bob Bailey

Staff Attendance

1. David Ashton, Director of Development Services
2. Lissa Davis, Planner II
3. Richard Young, Deputy Director of Public Works
4. Mary Bradley, Secretary

Meeting held at the Board of Supervisors Chambers, Holbrook, Arizona - Time 6:00 p.m.

John Dalton called the meeting of the Navajo County Planning & Zoning Commission to order, and explained the meeting procedures to the public. Mr. Dalton then led the Pledge of Allegiance.

Item # 1 **SPECIAL USE PERMIT:** Discussion and possible Commission action on a request by **Erik Topolski** and **Danielle Arbon** for a Special Use Permit for a guest ranch/spiritual retreat on the subject property APN: 203-20-002A in T13N, R23E, Section 4, the Cedar Hills area. **Lissa Davis** gave a history of the project and presented maps showing the general area and the site plan. The applicants are requesting a Special Use Permit to develop a spiritual retreat center on the east twenty acres of the subject property. The property shall be split after the Board of Supervisors approves the request. The project is proposed in phases. The first phase consists of a single-family residence with a main dining and meeting rooms. Phase two will consist of single bungalows with a sleeping capacity of 4-6 people. Phase 1 will be serviced by a conventional septic system where Phase 2 will be served by a compost system. Ms. Davis stated that the Public Works Department had no concerns or comments. Ms. Davis indicated that staff had not received any letters or comments in favor or opposition. Staff recommends approval with stipulations. The applicants **Erik Topolski** and **Danielle Arbon** were not in attendance. **No one came forward to speak in favor or opposition regarding this matter.** **John Dalton** asked about their water supply. **Lissa Davis** responded by saying they had a private well. A motion was made by **Roy Solomon** to approve the Special Use Permit with the stipulation stated by staff. **RECOMMENDED STIPULATIONS:** *1. Any expansion or change to the approved site plan shall require an amendment to the Special Use Permit 2. The Special Use Permit shall run with the land. 3. All signage will conform to the Navajo County Sign Ordinance. 4. Any lighting shall be shielded and directed downward.* **Drew Shumway** seconded the motion. Motion unanimously carried.

Item # 2 **SPECIAL USE PERMIT:** Discussion and possible Commission action on a request by **NZ Joseph City LLC** for a Special Use Permit to allow for a wireless communication tower on the subject property APN: 107-19-006 in T14N, R18E, Section 18 in the Joseph City area. **Lissa Davis** gave a history of the project and presented maps showing the general area and the site plan. The applicants are requesting a Special Use Permit to construct a wireless communication tower on a very small portion of the parcel. This request is consistent with the Navajo County Comprehensive Plan, which has designated land along the interstate, as Highway Service and operation of this tower will enhance cellular service along the Interstate. Public Works Department comments are that there information showing that ADOT concurs with the proposed access. The property is located within a flood plain and any construction must comply with all the requirements of the Navajo County Flood Damage Prevention Ordinance. Ms. Davis also indicated that they would need an engineered site plan before they could issue a building permit. Staff recommends approval with stipulations. **No one came forward to speak in favor or opposition regarding this matter.** **Kevin Howell** stated that he is the representative for Verizon Wireless who is leasing a 5000 square foot portion of the subject property, which is located north of I-40 and west of Joseph City. Mr. Howell indicated that the site was chosen to enhance the coverage and capacity for Verizon Wireless in the immediate area. The tower is over 200 feet away from the property line and that New Mexico and Arizona Land Co. L.L.C. would like to retain the right to

construct buildings within the 200-foot fall zone. Mr. Howell indicated that they signed a waiver that relieves the County of liability should the tower fall on a building within the 200-foot fall zone. **Drew Shumway** asked why they need this tower since there is a tower built across the highway (indicated on the map) and in Winslow. **Wendell DeCross** asked the applicant if they are sharing the tower with other providers. **John Dalton** expressed concern with building within the 200-foot fall zone. **Roy Solomon** asked if this would be built in a floodplain. **Kevin Howell** addressed Mr. Shumway's comment on their reasoning's for this additional tower. Mr. Howell explained that when these towers were built in the mid-nineties, 20-miles was considered standard for analog coverage. Mr. Howell stated that the majority of people are going to digital phones and all the services such as data, pictures, text messaging and high-speed data. Mr. Howell indicated that they are unable to get the signals for these. Mr. Howell replied to Mr. DeCross's comments by saying that yes they are sharing towers with other providers and said that there is a second provider on this tower across this highway. Regarding Mr. Solomon's comment, Mr. Howell responded that the property is located within a flood plain and they would comply with all the requirements of the Navajo County Flood Damage Prevention Ordinance. Mr. Howell reiterated his previous comments to Mr. Dalton about building within the 200-foot fall zone (that they signed a waiver that relieves the County of liability should the tower fall on a building within the 200-foot fall zone). **Lissa Davis** reminded Commissioner Dalton of the memo put out by our County Attorney's office (Lance Payette) indicating that the imposition of the fall zones and the liability is born by the lessee. A motion was made by **Wendell DeCross** to approve the Special Use Permit with the stipulations stated by staff. **RECOMMENDED STIPULATIONS:** *1. This Special Use Permit shall permit a wireless communication tower, 199 feet in height, on a 5,000 square foot portion of the subject property. 2. The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan. 3. This Special Use Permit shall run with the land. 4. The approval of the Special Use Permit is contingent upon successful review of the structural details of the subject tower and that a building permit for such tower is issued. 5. The applicant must meet all State and Federal requirements concerning communication towers prior to any building permits being issued. 6. If the tower is no longer being utilized, the owner shall cause at his expense the removal of all components of this tower within a 90-day period. 7. The leased area shall be enclosed with a 6-foot high fence.* **Gary Nelson** seconded the motion. Motion unanimously carried.

Item # 3 **ZONE CHANGE:** Discussion and possible Commission action on a request by **Charles and Julia Camilleri** for a Zone Change from A-General Zoning District to C-R (Commercial-Residential Zoning District) on the western 264 feet of the subject property, APN 212-26-148A in Township 9 North, Range 22 East, Section 24 of the Gila and Salt River Meridian, the Lakeside area. **ZONE CHANGE:** Discussion and possible Commission action on a request by **Dewayne and Rose Horton** for a Zone Change from A-General Zoning District to C-R (Commercial-Residential Zoning District) on the subject property, APN 212-26-121 in Township 9 North, Range 22 East, Section 24 of the Gila and Salt River Meridian, the Lakeside area. **ZONE CHANGE:** Discussion and possible Commission action on a request by **Virginia P Stradling** for a Zone Change from A-General Zoning District to C-R (Commercial-Residential Zoning District) on the subject property, APN 212-26-123 in Township 9 North, Range 22 East, Section 24 of the Gila and Salt River Meridian, the Lakeside area. **Lissa Davis** gave a history of the projects and presented maps showing the general areas. Ms. Davis stated that the properties were contiguous. Ms. Davis indicated on the map that parcel number 122 would be forthcoming for a Zone Change, as his application was not received in time for this meeting. Ms. Davis stated that the zone changes are being requested to allow for future commercial development along the property. The Town of Pinetop-Lakeside commercial park is across the street and there are several long-time businesses located on the County side of Porter Mountain Road. The Public Works Department did not have any comments at this time. Ms. Davis indicated that staff had not received any letters in opposition and had received two letters in favor of the project. Ms. Davis said that Julia Camilleri is representing the applicants. **Julia Camilleri** explained that she did receive a contract on her front two acres for development. Ms. Camilleri indicated that the gentleman would like to build some office buildings. Ms. Camilleri explained that the applicant on Lot 122 would be forthcoming with his application and that he is operating a sleep lab, which is a permitted use. Ms. Camilleri stated that all of the applicants biggest concern would be that they would see a significant increase in their property taxes. **Wendell DeCross** asked if escrow was contingent upon the Zone Change. **Julia Camilleri** replied yes. A motion was made by **Wendell DeCross** to approve all of the zone changes for Charles & Julia Camilleri, Dewayne & Rose Horton and Virginia Stradling. **Roy Solomon** seconded the motion. Motion unanimously carried.

Item # 4 **ZONE CHANGE:** Discussion and possible Commission action on a request by Arizona Public Service for a Zone Change to I-2 (Heavy Industrial Zoning District) on several parcels (attached), in the Joseph City area.

Parcel Number	Current Zoning	Acres
107-05-015C	RU-1	10
107-05-015E	RU-1	20
107-05-018A	RU-1	626.92
107-05-019	RU-1	47.5
107-05-022	RU-1	638
107-05-033	RU-1	160
107-05-035A	RU-20	100
107-05-036	RU-1	105
107-05-039	RU-1	160
107-05-042	RU-1	795
107-05-043B	RU-1	4.08
107-05-047	RU-1	80
107-05-049	RU-1	90
107-05-050	RU-1	7.73
107-05-051	RU-1	20
107-07-010	A-General	12
107-21-011	RU-1	21.46
107-23-003	RU1	238
107-21-013A	I-1	135.32
109-01-012	A-General	100
109-01-018	A-General	219
109-31-007B	A-General	6.76
109-31-019	A-General	632.5

Lissa Davis gave a history of the project and presented maps showing the general area. Ms. Davis indicated that staff had not received any comments in favor or opposition. Ms. Davis said that she posted public notices of the meeting with the entire parcel numbers at the monument, Speedy's Convenience Store, United States Post Office and at both ends of Joseph City. Ms. Davis indicated that the public notice in the newspaper had all the maps and parcels listed. Ms. Davis said that this is consistent with the Navajo County Comprehensive Plan in encouraging development utilizing the transportation corridor i.e. rail, interstate and state highway. Staff recommends approval of the zone change. **David Rausch** is the representative for Arizona Public Service. Mr. Rauch said that these parcel are not zoned as a consistent classification and it was their goal to do this. This would allow Arizona Public Service to expand the Cholla Power Plant in the future. Mr. Rausch pointed out on the map the main power plant, fly-ash pond, miscellaneous lots and the Evergreen property. **Wendell DeCross** indicated that he would have no problem voting for I-1 or I-2 which is along the interstate, but he does have a problem with the other properties that are zoned RU-1 and some there are some smaller properties (which are also zoned RU-1) which are 2-miles away from the interstate. Mr. DeCross also said that he doesn't feel that we should do this cart blanche. **John Dalton** stated that he feels that this is a good place for industrial zoning and this should not affect the Joseph City area. **Drew Shumway** stated that the I-40 corridor could be an industrial area and this would be a good place for it. A motion was made by **Roy Solomon** to approve the Zone Change. **Gary Nelson** seconded the motion. Motion carried with **John Dalton**, **Gary Nelson**, **Roy Solomon**, **Ruth Ann Smith** and **Drew Shumway** voting in favor of the motion. Voting against the motion were **Wendell DeCross** and **Micah Lomaomvaya**.

Item # 5 Possible approval of May 20, 2004 Minutes. A motion was made by **Roy Solomon** to approve the minutes. **Drew Shumway** seconded the motion. Motion unanimously carried.

Item # 7 Commissioners' comments and/or directions to staff. Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Development Services Department staff to study or provide additional information on topics of the Commissions' choosing.

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 7:02 p.m. **Wendell DeCross** made a motion to adjourn. **Roy Solomon** seconded the motion. Motion unanimously carried.

NOTE: a copy of the agenda background material provided to the Commission Members (with exception of material relating to possible executive sessions) is available for public inspection at the Development Services Office, Navajo County Complex, Holbrook, Arizona, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Approved this _____ day of _____, _____.

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Development Services